

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5299 of 2019**

Arising Out of PS. Case No.-2137 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. ARJUN MISTRI, Son of Late Lukhru Mistri
 2. Usha Devi, Wife of Arjun Mistri
 3. Shrikant Sharma @ Ballu Sharma @ Bablu Sharma
 4. Manikjant Sharma @ Manikant Sharma
 5. Ravikant Sharma
 6. Birjukant Sharma @ Vijay Sharma @ Brijkant Sharma
 7. Preetam Sharma @ Preetam Kumar Sharma, Appellant No. 3 to 7 are Son of Arjun Mistri, All Residents of Village - Kamalpur, Police Station - Sanhoula, District - Bhagalpur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ramroop Paswan, Son of Late Matru Paswan, Resident of Village - Kamalpur, Police Station - Sanhoula, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 24-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.11.2019 in A.B.P. No. 2197 of 2019 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Bhagalpur in connection with Complaint Case No. 2137 of 2015 registered under Sections 323, 504, 506/34 of



the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

The complaint case, *prima facie*, discloses accusation of commission of assault by the appellants to the members of the scheduled caste. Hence, offence under Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with the Schedule of the Act, is apparently made out. Prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act, hence, this appeal has got no merit against refusal of the prayer for anticipatory bail.

Accordingly, it stands dismissed.

However, in the event of surrender of the appellants, prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

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